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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,971	02/18/2005	Martin Klebsattel	13173-00003-US	1456

23416 7590 09/18/2007
CONNOLLY BOVE LODGE & HUTZ, LLP
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WILMINGTON, DE 19899

EXAMINER

KALLIS, RUSSELL

ART UNIT	PAPER NUMBER
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1638

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09/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10524971	2/18/2005	KLEBSATTEL ET AL.	13173-00003-US

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Commissioner for Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Claims 11-12 are drawn to SEQ ID NO: 9 and SEQ ID NO: 8. In claim 11, SEQ ID NO: 9 is described as an amino acid sequence of a hydroxylase; and Claim 12 describes SEQ ID NO: 8 as a nucleotide sequence. However, the sequence listing and the specification describe SEQ ID NO: 9 as a polynucleotide promoter fragment and SEQ ID NO: 8 as a polypeptide sequence. See further pages 25-27 and 15-19 of the specification.

Further, pages 46-47 of the specification contain sequences, but does not identify those sequence using a sequence identifier which is required for sequence compliance. Appropriate correction is required for sequence compliance.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the one month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell Kallis whose telephone number is 571-272-0798.

RUSSELL P. KALLIS, PH.D.
PRIMARY EXAMINER

Russell Kallis